

DEPARTMENT OF LAND AND NATURAL RESOURCES

**Adoption of Chapter 13-283
Hawaii Administrative Rules**

October 31, 2002

SUMMARY

**Chapter 13-283, Hawaii Administrative Rules,
entitled "Rules Governing Standards for Osteological
Analysis of Human Skeletal Remains", is adopted.**

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 283

RULES GOVERNING STANDARDS FOR OSTEOLOGICAL ANALYSIS
OF HUMAN SKELETAL REMAINS

§13-283-1	Policy and purpose
§13-283-2	Definitions
§13-283-3	Osteological analysis and recording
§13-283-4	Report of osteological analysis
§13-283-5	Treatment of human skeletal remains
§13-283-6	Penalty

§13-283-1 Policy and purpose. (a) Burial sites with human skeletal remains have cultural significance and are sensitive historic properties, significant to the descendants and to the relevant cultural group. Burials are quite different from other historic properties. Human remains, under American common law, cannot be owned; rather the burials are held in trust for their descendants. Treatment of burials must meet this trust with the utmost sensitivity. It is the Department of Land and Natural Resource's policy to preserve burials in place when at all possible. However, when removal must occur, and if osteological analysis must take place, it is the Department of Land and Natural Resource's policy that this be done with the utmost sensitivity and with high standards of analysis.

(b) This rule establishes standards for osteological analysis of human skeletal remains, when analysis is done to determine ethnicity of skeletal remains, to ensure the quality of burial analysis and thereby to better protect the public's interests.

[Eff] (Auth: HRS §6E-3) (Imp:
HRS §§6E-3, 6E-8, 6E-43)

§13-283-2 Definitions. As used in this chapter unless the context requires otherwise:

"Ahupua`a" means a traditional Hawaiian land division usually extending from the mountain to the sea.

"Burial site" means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods if any, are interred, and its immediate surrounding archaeological context, including any associated surface and subsurface features, deemed a unique class of historic property, and not otherwise included in section 6E-41, HRS.

"Ethnicity" means the ethnic group to which the deceased belonged by birth, such as Hawaiian, Japanese, and Chinese.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"Project" means any activity directly undertaken by the state or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the state or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the state or its political subdivisions.

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources. [Eff _____] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-283-3 Osteological analysis and recording. The procedures for osteological analysis are set forth in chapter 13-300. Recording shall involve completion of forms available at the SHPD. Only those forms which are relevant to the recovered remains are to be completed. The forms are:

- (1) Individual summary record.
- (2) Burial register form.
- (3) Skull register form.
- (4) Child burial register form.
- (5) Cranial measurements form.
- (6) Non-metric cranial traits form.
- (7) Dental observations form.
- (8) Infracranial measurements form.
- (9) Infracranial morphology form.

- (10) Vertebral non-metric traits form.
 - (11) Mandible measurements form.
 - (12) Dental measurements form.
- Forms will be relevant, depending on the age and extent of the remains. [Eff]
 (Auth: HRS §6E- 3) (Imp: HRS §§6E- 3, 6E- 8, 6E- 43)

§13- 283- 4 Report of osteological analysis. (a)
 A report on the osteological analysis shall be prepared by a physical anthropologist meeting the qualifications set forth in chapter 13-281. The report shall include the following:

- (1) Abstract, including the number of individuals studied, their ethnic affiliation and the name of the historic sites with which they are associated.
- (2) Introduction.
 - (A) Reasons for the project; and
 - (B) Location of the study area which shall include a portion of the relevant United States Geological Survey standard 1:24,000 topographic map showing the ahupua`a, the parcel, and the sites from which the remains came and text, which states the island, district, ahupua`a, and the tax map key (TMK) of the parcel
- (3) Laboratory methods, which shall include:
 - (A) The number of personnel, with the name and degree of the principal investigator;
 - (B) When the work was done; and
 - (C) Methods planned in the analysis and any deviations, with explanations why.
- (4) Osteological analysis: Descriptions of individuals, to include:
 - (A) The provenience--site, layer, and age of layer;
 - (B) The information recorded, as required by section 13-283-4 and this section; and
 - (C) A summary for each individual, to include:
 - (i) Probable ethnic group affiliation;
 - (ii) Sex;
 - (iii) Stature;
 - (iv) Completeness and condition of remains;

- (v) Salient morphological features of the skull, teeth, and infracranial skeleton; and
- (vi) Time since death.
- (5) Findings; and
- (6) References.
- (b) The osteological report shall be submitted separately to the SHPD from the archaeological report required under chapters 13-275, 13-276, 13-278 and 13-284. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-8, 6E-43)

§13-283-5 Treatment of human skeletal remains.
Because human remains are highly sensitive to many individuals and ethnic groups, all archaeological excavations and osteological laboratory analysis shall treat the remains with dignity and respect. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-8, 6E-43)

§13-283-6 Penalty. Non-compliance with the provisions and procedures established by this chapter shall result in a denial or revocation of SHPD's written historic preservation review concurrence or agreement, and shall also be penalized as provided in section 6E-11, HRS, and applicable laws. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-8, 6E-11, 6E-42)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-283, Hawaii Administrative Rules, on the Summary Page dated October 31, 2002, was adopted November 15, 2002, following public hearings held on the islands of Kauai on August 20, 2002, Hawaii on August 21 and 22, 2002, Maui on August 26, 2002, Molokai on August 27, 2002, Oahu on August 28, 2002, and Lanai on August 29, 2002, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News, and the Garden Isle on July 21, 2002.

The adoption of chapter 13-283 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Peter T. Young,
Chairperson
Board of Land and Natural
Resources

Approved:

Linda Lingle, Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM

Deputy Attorney General

Filed